

Report to the Twenty-Fourth Legislature
2007 Regular Session
from
The South Kona – Ka'ū Coastal Conservation Task Force



Prepared by
State of Hawai'i
Department of Land and Natural Resources

In Response to
House Concurrent Resolution No. 5, House Draft 1, Senate Draft 1
2005 Regular Session
Honolulu, Hawai'i
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This report is dedicated to Jimmyleen Keolalani “Keola” Hanoa, July 5, 1960 – March 13, 2006.

Keola was born and raised in Ka’ū and was a *kumu* (teacher) to *na kamali’i* (the children) and people from around the world, sharing the importance of restoring and protecting the ‘*aina*, culture heritage, and traditional lifestyle of Ka’ū. Living at Punalu’u Black Sand Beach where she grew up, Keola devoted her life to protecting the sacred historic and cultural sites and critical habitats of the *honu ea* (hawksbill turtles).

In 1990, Keola established the *Kukulu Kumuhana ‘O Ka’ū* Learning Center at Punalu’u and for more than 16 years, provided cultural and environmental education programs to students using traditional hawaiian teaching practices. The native endangered species in their habitats became educational tools and the surrounding environment, a living classroom.

Keola and her mother, Kupuna Pele Hanoa founded Punalu’u Preservation which in 2004, expanded to become Ka’ū Preservation. Keola dedicated her life and her teachings to the preservation of Punalu’u as a cultural resource and educational center. In her efforts to achieve this goal, the South Kona – Ka’ū Coastal Conservation Task Force was created.

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Executive Summary

The South Kona – Kaʻū Coastal Conservation Task Force was established by the adoption of House Concurrent Resolution (HCR) No. 5 House Draft (HD1), Senate Draft (SD1) (HCR 5 HD1 SD1) of the Twenty-Third Legislature in 2005. HCR 5 requested the Department of Land and Natural Resources (DLNR), Division of State Parks to bring together a diverse and broad group of area stakeholders. The stakeholders are community-based full-time and part-time residents from the four main communities in the district of Kaʻū (Hawaiʻi Volcanoes National Park, Pāhala, Nāʻālehu and Hawaiian Ocean View Estates) as well as the mainland. These dedicated individuals are a scholarly kupuna, cultural practitioners, community resource individuals, large landowners, farmers, governmental agency (s) representatives (County, State, and Federal), nonprofit conservation organizations, a nonprofit economic development administrator, and educational - agricultural and conservation - resort land managers (**Appendix A**).

HCR 5 was a direct result of the Kaʻū populous, preservationists and the broader public's outcry for a solution (s) to protect, preserve, conserve and restore (if feasible) the Kaʻū and South Kona coastal districts. Thus, the purpose of the Task Force was ... "to review, analyze, and report to the legislature on the impacts being made on the fragile and historically essential coastal lands and near shore marine areas of South Kona and Kaʻu...and to identify issues and solutions...".

The acknowledged region represents the largest area of natural and undeveloped shoreline in the State of Hawaiʻi. This coast stretches approximately 80 miles from the southern boundary of Hawaiʻi Volcanoes National Park to Miloliʻi in South Kona and is largely pristine, unspoiled, uninhabited, and undeveloped. The area is a source for recreation and subsistence for local residents and is the likely landing point of the first Polynesians to reach Hawaiʻi. Well-preserved cultural and historic sites still dominate these shores.

The South Kona - Kaʻū coast is a treasure trove of Hawaiʻi's unique and endangered species. Eighty to ninety percent of the Hawaiian honuʻea (hawksbill sea turtles, *Eretmochelys imbricata*) nest on the Kaʻu Coast, and the honu (green turtles, *Chelonia mydas*) are found in the water all along the Kaʻu-South Kona Coast and can be seen daily resting on the shore at several sites. Furthermore, the most critically endangered marine mammal in the United States today, the Hawaiian monk seal (*Monachus schauinslandi*), are being seen more often on the remote Kaʻū Coast, with a birth at Kamilo Point in 2001. Despite protection under the Federal Endangered Species Act (1973), Marine Mammal Protection Act (1972) and State of Hawaiʻi Wildlife Policy, Chapter 195D, Hawaiʻi Revised Statutes, only 1,300 to 1,400 monk seals are known to exist today. The rapid decline in the monk seal population is primarily due to human activities, interactions with fisheries, shark predation, and prey limitation.

In addition to this report, the Task Force accomplished other important steps in the past year. These include involvement in the recent successful National Park Service reconnaissance survey that found that the South Kona - Kaʻū area likely contains resources of national importance. The Task Force also called upon Governor Linda Lingle and County of Hawaii Mayor Harry Kim to implement a "quiet period" where subdivision and development in the area would be paused until the Task Force could issue its policy recommendations in this report.

The Task Force believes that the clearest path to protection of the character and culture of the South Kona - Ka'ū coastline is through implementation of specific recommendations that were endorsed by a majority of the members voting. It should be noted that because of the diversity of backgrounds and interests of the Task Force, general agreement could not be obtained for all of the recommendations. Some were strongly objected to and although two additional meetings were held to see if the differences could be worked out, consensus could not be reached.

A summary of the full list of recommendations is provided below:

- **The legislative creation of a special conservation zone called the “Ka'ū Coastal Protection Trust” that extends from the southern boundary of Hawai'i Volcanoes National Park to the ahupua'a of Manuka from the shoreline inland for 1.5 miles and from the shoreline out into the ocean a distance that would be determined by the boundaries of specific Marine Life Conservation Districts (MLCDs), Fishery Restricted Areas (FRAs), Marine Protected Areas (MPAs), active and historical Koa, and any other new or historical marine managed area along the Ka'ū Coast. This area would bring greater scrutiny to potential development but also greater financial benefits to landowners who voluntarily cooperate with preservation goals. For example, the Task Force calls for state legislation to be enacted to allow additional tax deductions to private landowners in the area who donate their land within specified times to the Trust. Additionally, the State--in conjunction with the County of Hawai'i, the federal government, and interested private parties—are to develop financial plans and set aside distinct funding sources for the purchase of private lands in the Trust area, should landowners be interested in selling to the Trust.**
- **Legislative authorization and funding for the formation of a South Hawai'i Fisheries Management Council (incorporating all districts of northern - southern Kohala and Kona, to the Ka'ū boundary of the Hawai'i Volcanoes National Park), allowing the establishment of a council that is similar in organization and composition as the West Hawai'i Fisheries Management Council, to protect and conserve coastal resources in partnership with the Department of Land and Natural Resources (DLNR).**
- **The creation of an advisory board comprised of 7 members who are Ka'ū Kupuna, landowners, land managers or residents who shall advise and recommend action to DLNR and/or the Planning Department of the County of Hawai'i on any land use requests that involves development and subdivisions in areas identified to be protected.**
- **Establishment of a “No-Development” setback line from the coast to protect resources, subject to changes where preservation corridors may be enhanced by the development. Such development within the setback that is allowable shall include an integrated resource management plan and a perpetual preservation corridor, with infrastructure that is supported with allocations from the common area charges assessed against property developed along the coastline and areas mauka.**

I. Purpose of HCR 5 HD1 SD1

The Twenty-Third Legislature of the State of Hawai'i adopted HCR 5 HD1 SD1 (**Appendix B**). The concurrent resolution requested DLNR's Division of State Parks (State Parks) to establish a South Kona – Ka'ū Coastal Conservation Task Force (Task Force) to review and analyze the impacts being made on the fragile and historically essential coastal lands and nearshore marine areas of South Kona and Ka'ū. HCR 5 HD1 SD1 directed the Task Force to:

- Identify those coastal lands and near shore marine areas that have environmental, cultural and recreational values in need of protection;
- Identify mechanisms and sources of funding for the protection and management of such resources;
- Propose future uses and limitations in the identified areas that permit minimal man-made structures, manage activities that may degrade or deplete resources, and avoids the hazards from potential volcanic activities and lava flows;
- Propose measures for the protection of marine animals, such as monk seals and green sea and hawksbill turtles, and their nesting and habitation areas; and
- Seek funding from the private sector, via grants and contributions to support the activities of the partnership.

HCR 5 HD1 SD1 also requested that the Task Force submit a report, including proposed legislation, to the Legislature on the activities and progress of the Task Force, including areas identified for protection and strategies to achieve protection. Further, the concurrent resolution called for the Task Force to cease to exist on the last day of the Regular Session of the 2007 Legislature.

October 2005 began the regular monthly meetings of the Task Force, excluding the month of December. All meetings were "open" to the public and held at the Pāhala Community Center in Ka'ū.

At the initial meeting, members introduced themselves, shared their community association affiliation, and stated their vision of Ka'ū relative to the objectives outlined in HCR 5 HD1 SD1. By the second meeting, the Task Force elected "Auntie" Pele Hanoa as its Chair.

In February 2006, Carrie Kuwada-Phipps, a trained facilitator with the Department of Research and Development, County of Hawai'i, was engaged to assist the Task Force in focusing the discussions on the duties set forth in the concurrent resolution.

One of the first things that the Task Force needed was to define their operating principles. These principles set the parameters for every meeting with respect to how people communicate and how decisions are made. The members were asked to talk about the values that are important to them so that the Task Force could develop a foundation for which there would be trust and respect for each other's ideas and interests. Facilitation of all subsequent meetings enabled the Task Force to concentrate their efforts on the tasks that needed to be accomplished.

Adopted at the April 2006 meeting was the Task Force's mission statement:

"We seek to preserve open space and the unique lifestyle and history of Ka'ū for current and future generations utilizing the values of: Pono (fairness), Ho'owaiwai (enrichment), and Malama 'Āina (care for the land).

Collectively, we will provide specific recommendations that will help preserve and protect the cultural, biological, and spiritual values that makes Ka'ū, Ka'ū."

Concurrent to the creation of the Task Force, in March 2005, Congressman Ed Case was corresponding with the National Park Service (NPS) to perform a reconnaissance survey of approximately 80 miles of the Ka'ū coastline. The purpose for the study was to evaluate the resources to determine whether it should be included in the National Park System.

In his letter to the NPS, Congressman Case stated, "The Ka'ū coastline presents a rare opportunity to preserve and protect an entire coastal system of a unique natural, scenic, historical, cultural and ecosystem combination found nowhere else in our world. It is also under tremendous development pressure, and these resources will in all likelihood be lost if we don't move to protect them soon".

In responding to the Congressman, Frank Hays, Pacific Area Director, NPS, informed him that he himself would participate as a member of the Task Force and that the NPS would complete a reconnaissance survey upon a Task Force recommendation to do so.

The Task Force approved having DLNR send a letter to the NPS endorsing the reconnaissance survey and offered to assist with this vital and promising effort. (*Note: The reconnaissance survey area was adjusted to include the area from Kapāo'o Point at the boundary of Hawai'i Volcanoes National Park southwest to Kahilipali Point. The mauka boundary follows the Mamalahoa Highway and includes 23 miles of coastline. The NPS is planning to submit the reconnaissance survey to Representative Case in early October 2006.)

One of the issues raised during earlier meetings of the Task Force was whether the State and County would approve development proposals while the Task Force was studying the area. After many discussions, a majority of the Task Force members voted that the primary goal of the Task Force was to preserve and protect the natural, cultural, environmental, and recreational resources in South Kona – Ka'ū and to ensure that there would be mechanisms available for their protection. For this purpose, the Task Force sent a letter to Governor Lingle in May 2006 asking for her support in causing a "quiet period" of at least 1 year so that "no" subdivision and "no" development proposals were to be approved in the coastal area extending from the southern boundary of Hawai'i Volcanoes National Park to Miloli'i and up to 1.5 miles inland. The "quiet period" would allow the Task Force time to complete its studies (**Appendix C**).

An affirmative response from Governor Lingle was received. She said she would suggest to Peter Young, Chairperson of DLNR to scrutinize applications for land uses in the Conservation District and that he is to inform the Task Force of these applications. In addition, Governor Lingle said she would provide a copy of the letter to Mayor Kim and Council Chairperson Stacy Higa suggesting that Special Management Area permit applications for land uses in the Agricultural District are also to be closely scrutinized (**Appendix D**).

II. Description of the Area

A. Regional Context

Hawai'i Island is the second most populated island in the State and the fastest-growing with an estimated 167,000 residents in 2005. According to statistics collected by the Department of Business, Economic Development, & Tourism, most of the new residents to Hawai'i Island are from the United States mainland and the other islands. Experts predict that this growth will continue and the population will reach more than 217,000 by the year 2020.

The district of Ka'ū is located on the southeast side of the Island of Hawai'i, comprising approximately 624,995 acres or 922.3 square miles. The district is so large it could contain the Islands of O'ahu, Moloka'i, and Kaho'olawe. The coast of Ka'ū is the longest undeveloped shoreline in the Hawaiian islands, stretching 80 miles from South Kona to Ka Lae, South Point, and onto the southern boundary of the Hawai'i Volcanoes National Park. Despite the long coastline, a limited area of the shoreline is easily accessible without using a four - wheel drive vehicle or driving 12 miles to South Point.



Ka'ū contains a variety of habitat, from prehistoric rainforest to dry lava desert, windblown grasslands, and rugged rocky coastline. Two areas with the most pristine and critically important habitats are Punalu'u Black Sand Beach, nesting grounds for the endangered honu ea (hawksbill turtle) and threatened honu (green sea turtle) and Honu'apo Bay** and tidal wetlands, where the Hawaiian

monk seal, the State's most endangered animal with only 1,400 left in the wild, has been spotted.

(**Note: The recent acquisition of Honu'apo lands was spearheaded by a community group, Ka Ohana O Honu'apo, working with the Hawai'i Island Land Trust, The Nature Conservancy, and The Trust for Public Land who secured state, county and federal funds for its purchase from a private developer. Long term plans include reestablishing it as an estuary and nursery for fish as well as a potential breeding site for the āe'o, the endangered Hawaiian stilt.)

The majority of the lands within South Kona – Ka‘ū are designated by the State Land Use Commission as Agricultural or Preservation (P-1 and P-2). P-1 lands are placed in the Conservation District such as Hawai‘i Volcanoes National Park and the Ka‘ū Forest Reserve. The only urban zoned lands are the 433 acres in Punalu‘u owned by SM Investment Partners, a portion of which was developed as Sea Mountain at Punalu‘u.

For more than a hundred years, C. Brewer, also known as Ka‘ū Agribusiness dominated the district of Ka‘ū with its landholdings, political power and its sugar industry. In the 1970s, facing the reality of a declining market for its sugar, Ka‘ū Agribusiness sought to diversify into macadamia orchards, tourism, and housing, as well as its other agricultural pursuits. In 1972, Sea Mountain at Punalu‘u was developed with a golf course, tennis courts, a 76-unit condominium project and the Black Sand Restaurant. In November 1975, a tsunami rearranged the coastline and tossed C. Brewer’s plans to the wind. That event, together with an economic downturn in the mid-1970s, caused a stall in the project. In the early 1980s, a new, larger scale master plan for Punalu‘u was prepared. However, in a legal action filed by local residents, further action on the plan was stopped by a court order.

According to the Environmental Impact Statement Preparation Notice prepared by Group 70 International, Inc. for Sea Mountain Five, LLC, dated December 2005, the current plans are to “develop a 433 acre partially developed parcel with residential units, mixed uses, a world class destination resort/hotel, a championship 18-hole golf course, cultural/marine center, upgraded wastewater treatment facility (WWTF), water reservoir and other supporting infrastructure.” The landowner, SM Investment Partners, conditioned the transfer of ownership of the land upon Sea Mountain Five LLC’s obtaining the required permits from the County.

There is a growing community movement in Ka‘ū that seeks to preserve the ancient Hawaiian sites, native flora and fauna, ocean access and wide open spaces. This movement is determined to find ways to prevent further development in Punalu‘u knowing that there will be significant adverse impacts on the area’s natural and cultural resources, particularly the endangered Hawksbill (*honu ea*) and threatened Green Sea (*honu*) turtles, the Hawaiian monk seal, and the lifestyle of the people of Ka‘ū.

Joining the preservation effort are private nonprofit organizations like Ka‘ū Preservation Council, The Nature Conservancy who purchased 24 acres at Kamehame, a key nesting site for the honu ea turtles. The Trust for Public Land with Ka ‘Ohana O Honu‘apo acquired 225 acres in Honu‘apo for a park and the Hawai‘i Wildlife Fund spearheaded the transfer of 1,200 acres along the Waiohinu shoreline to State forestry management.

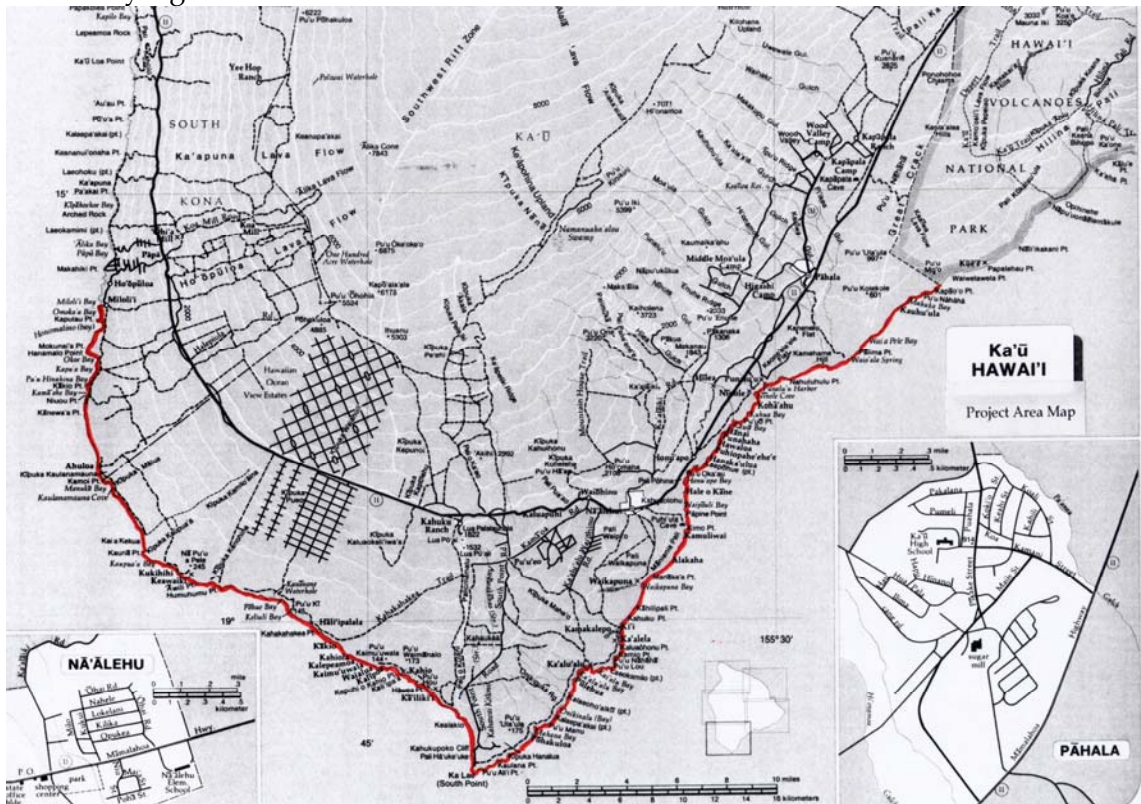
Locally, the Public Access, Open Space and Natural Resources Committee of the Hawai‘i County Council recently took action on two resolutions authorizing negotiations to purchase 785 acres at Kāwā‘a Bay and 10 acres at Punalu‘u Beach Park. The Committee identified Kāwā‘a as their #1 priority with Punalu‘u as #5. Mayor Kim identified the Punalu‘u lands as his second highest priority for the County to acquire under his new policy of preserving public access, open space and natural resources.

The Department of the Interior purchased 116,000 acres of Kahuku Ranch adjacent to Hawai‘i Volcanoes National Park, increasing the Park’s size by sixty (60) percent. In his remarks at the dedication ceremony, Senator Daniel Inouye said: “We are in a race against time. As the urban

sprawl continues to spread beyond O‘ahu and into our neighbor islands, we must be very vigilant in setting aside lands, which must be protected”.

B. Project Area

The project area starts at the southern boundary of Hawai‘i Volcanoes National Park down and around Ka Lae to Miloli‘i in South Kona, from the shoreline to 1.5 miles inland (**Figure 1, area in red**). The shoreline portion of the project area comprises approximately 80 miles and is largely pristine, unspoiled, uninhabited, and undeveloped. It is an environmentally fragile coastline with natural resources of significant value such as fishponds, estuaries, a high diversity of native coastal plants, and nesting areas for marine animals. Both along the coast and inland, the area is rich with historic, cultural, and recreational resources, containing numerous ancient heiau and other culturally and environmentally significant sites.



1. Marine Resources

- Nesting sites for 44 of the fewer than 80 hawksbill sea turtles known to nest in the Hawaiian Islands. The hawksbill is a federally listed endangered species and is the rarest sea turtle in the Pacific Ocean. Over 90% of hawksbill nests in the state occur on the island of Hawai‘i, and 11 of the 13 known nesting sites on the island are located within the study area.
- Feeding sites for the threatened green sea turtle.
- Shoreline havens for the endangered Hawaiian monk seal.
- Rare anchialine ponds that host endemic and native shrimp species and insects.
- Intertidal pool complexes that provide nursery habitat for marine invertebrates and fish.

- Living corals reflective of very good water quality, and probably indicative of low land runoff and sedimentation.
- Limited algal cover, implying healthy populations of benthic invertebrates, low nutrient runoff and fish populations that have not been overexploited.

2. Flora And Fauna

- Habitat for indigenous shorebirds and seabirds such as the Pacific golden plover, wandering tattler, ruddy turnstone, sanderling, wedge-tailed shearwater, and black noddy.
- Localized wetlands attractive to the indigenous black-crowned night-heron, the endangered endemic Hawaiian coot, and migratory waterfowl such as northern pintails, northern shovelers, and American wigeon.
- Coastal hunting ground for the endemic Hawaiian hawk or `io, and probable nighttime flight path to sea for band-rumped storm-petrels.
- Habitat for the endangered Hawaiian hoary bat.
- An unusually large complex of basal springs, intermittent streams, and wetlands that provide habitat for a broad range of native Hawaiian stream fauna.



Notable geological forms in the study area include Ka'ū Desert; the Great Crack; the Pāhala ash layer; caves; and the ancient Nīnole Hills and Valleys. Also found there are a wide array of coastal marine habitats including pāhoehoe and 'a'a flats, drifted sand, anchialine pond shores, protected beaches, spray-battered bluffs, islets, rock outcrops, exposed sea arches, intertidal benches, underwater springs discharging into the nearshore zone, coves and bays bracketed by headlands,

some shallow areas protected by reefs and boulders, and miles of offshore bathymetry featuring a quick drop to deep water. Over 40 species of native coastal strand vegetation are found in this area.

3. Cultural Resources

Collectively, the cultural resources and the living cultural practices in the project area commemorate the way of life in old Hawai'i, both before and after Western contact. Ka'ū is known for its remote and rural character and the people for their rugged independence. One can experience the cultural landscape via ancient and historic trails along the shoreline with visible features representing the traditional Hawaiian culture, agriculture, fishing, and the plantation impacts and developing

economy of the 19th century. Living practices include ‘opihi-picking, salt gathering, fishing, and surfing. Notable sites include the ruins of a formal royal center at Punalu‘u, with remains of the huge luakini overlooking the bay; vestiges of a coral-marked *ala loa*; and other heiau, habitation sites and petroglyphs in the surrounding area. Throughout Ka‘u are numerous features of cultural importance such as house sites, burials, cave shelters, fishing stations and petroglyphs.

Many people of Ka‘u continue to live a life that is deeply connected to the land and sea. They pick ‘opihi, fish, gather salt, grow foods and collect native plants for medicine, food, and crafts. Hawaiians of Punalu‘u conduct environmental education classes, work tirelessly to keep the surrounding lands from being developed, and struggle to protect the revered *honu ea* and *honu*.

The people of Ka‘u are living cultural resources with a deep connection to the land. Their personal knowledge and understanding of the resources are essential to the future management of the public trust lands.

4. Recreational and Scenic Resources

There are a limited number of public recreation designated sites within the district of Ka‘u, however, there are a number of recreational activities in which people engage such as sightseeing, fishing, camping, hiking, picnicking, studying nature, and visiting cultural sites. They also swim, surf, snorkel, dive, bodyboard, and pick ‘opihi. Ocean activities are limited for most of the year due to rough seas and dangerous currents. Offshore fishing from small boats occur during calm periods and at remote areas like Kamehame, where mounds of ‘opihi shells can be found along with an occasional fishing platform.

The project area also features spectacular scenic vistas. Cradled between the green slopes of Mauna Loa and Kilauea volcanoes and the endless expanse of the Pacific Ocean, Ka‘u’s crescent-shaped shoreline offers a uniquely unspoiled view, marked at one end by the steaming flow of lava into the sea, and at the other end by Ka Lae, the southernmost point in the United States.

Ka Lae (South Point)

- Boat Ramp and cultural sites
- Limited hiking trails

Ka‘alu‘alu Bay

- Recreational sites can only be accessed by four wheel drive vehicles

Punalu‘u

- County beach park
- Sea Mountain golf course
- Boat ramp
- Fishing, ‘opihi picking, swimming, bodysurfing and snorkeling
- Cultural sites
- Campgrounds
- Outdoor classroom



Honu'apo

- Spectacular views, particularly from the shoreline where one can look laterally along miles of undeveloped coast and mauka to Mauna Loa
- From a high point along the Honu'apo pali there are impressive views of the Ka'ū coastline and one can see a good portion of Hawai'i Volcanoes National Park with Wood Valley's cliff and valley formation in the background.
- County beach park

Kāwā'a Bay

- Bodysurfing, board surfing, picnic and hiking trails

Public vehicular access from the highway to the shoreline is limited to the beach park access roads in Punalu'u and Honu'apo. However, there are two rough roads through private property that lead to Kāwā'a Bay that is regularly used by island residents. Private landowners grant permission and lend gate keys to trusted local residents who want to reach the coast for fishing, 'opihi picking and other traditional uses.

There are trails along the rocky shoreline that entice hikers away from the beach and into rugged lava terrain. The trails are used for access to fishing sites by local residents or to pick 'opihi. Resource protection and recreation management issues vary in degree and detail but not in substance from other accessible locations along the coast such as Kāwā'a and Honu'apo.



From March 26 through April 24, 2006, Ka'ū Preservation conducted a 30-day survey to determine the number of people that visit Punalu'u Beach Park and how they arrive to determine the impact to the turtles and the surrounding environment (**Appendix E**). They recorded an average of 1,148 visitors per day with approximately 70% arriving by car, and 30% by bus or other commercial vehicles. The survey data included the following observations by survey takers: despite warning signs, people are going

closer to the turtles than advised and the turtles are driven back into the water or are unable to come onto the sand to rest and digest after feeding. Further, people, including school children, are taking the black sand and rocks from the beach area, encouraged by teachers and tour bus drivers.

III. Methodology

HCR 5 HD1 SD1 directed the Task Force to complete the following tasks:

- Identify coastal and marine areas having environmental, cultural, recreational value that need protection
- Identify mechanisms for protection and management of the resources;
- Propose future uses, limitations for those areas, manage activities and avoid hazards from potential volcanic activities and lava flows;
- Propose measures to protect marine animals, including monk seals, honu ea and honu, and their nesting and habitation areas;
- Seek funding from the private sector, through grants and contributions, to support the activities of the public/private partnership; and
- Submit a report on the Task Force's activities and progress, including areas identified for protection and strategies to achieve protection to Legislature.

The concurrent resolution also includes a clause that the Task Force will cease to exist on the last day of the 2007 legislative session.

A. Establishment of Working Groups

Four working groups were formed, based on geographical areas extending from the southern boundary of Hawai'i Volcanoes National Park to Miloli'i. Members selected the group they wished to participate in based on their knowledge about the area and interest.

- Group I: Southern boundary of the Hawai'i Volcanoes National Park to Honu'apo;
- Group II: Honu'apo to eastern side of Ka'alu'alu Bay;
- Group III: Ka'alu'alu Bay to Pali o Kulani; and
- Group IV: Pali o Kulani to Manuka
- *Group V: Manuka to Miloli'i.

* NOTE: In an earlier meeting, Gil Kahele, representing Pa'a Pono Miloli'i assured the Task Force that the area from Manuka to Miloli'i has been extensively studied and is not immediately threatened by development. Moreover, the South Kona Wilderness Area, administered by State Parks, is afforded some protection through its wilderness area designation.

B. Identification of Areas that Should be Protected

The area from Kapā'o Point – Punalu'u contains a wild shoreline and numerous archaeological remains. The shoreline from Punalu'u – Miloli'i is the longest wild shoreline in the State with archaeological remains, geologic and physiographic landmarks and several small sandy beaches – white sand, black sand, and green sand. Inshore waters off the coast are said to have the best marine life in the State. Portions of this area are being reviewed as potential candidates for a Natural Area Reserves designation under DLNR's Division of Forestry and Wildlife.

Area I: Punalu'u, Nīnole Cove, Kāwā'a, Honu'apo, Hokukano and Hi'ona'ā;

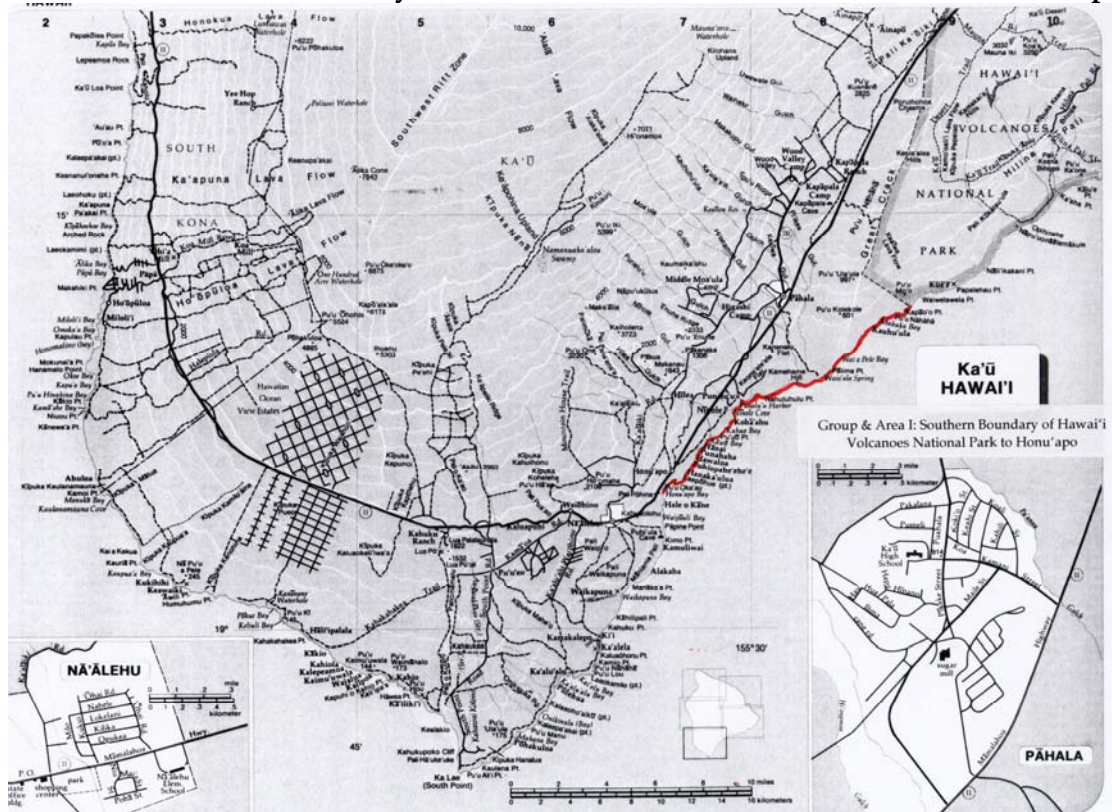
Area II: Pohina Pali, Puhi Ula Cave, Maniania, Waikapuna, Ka Lua Noio, Ka Lua O Wai, Ka Kua Lepo'o Kanaka;

Area III: Pinao Point, Pu'ulia, Mahana Bay, fishing heiau, Lua Makalei, Cliff off Pu'u Kulani, Lua o Palahemo, Ki'i (Petroglyphs), Ka Lae;

Area IV: Pōhue Bay, Wai Ahukini, Pali o Kulani, Kealakio, Kapua Bay, Anchialine Ponds at Kanonone, Kahakahakea, Hāli'ipalala and North Pond

Upon identifying the areas within the geographical boundaries, priority was assigned to those areas where it was deemed to be critical to have methods and a strategy for the preservation of the resources.

1. Area I: Southern boundary of the Hawai'i Volcanoes National Park to Honu'apo



Group I determined that the entire coastal area has resources that need to be protected, beginning with Punalu'u, and followed by Kāwā'a, Hokukano and Nīnole Cove (**Figure 2, area in red**). The Nīnole – Punalu'u area is one of the oldest areas on Hawai'i Island. Punalu'u, meaning "diving spring" is famous for its black sand beach. The area is so named for the abundant freshwater springs that are found when diving to the bottom of the ocean. The bay was a historically popular canoe landing and an ancient surfing site as the waves and currents here are much safer and gentler than the rest of the southeastern coastline. Kauwila Pond is a small pond near the presently abandoned restaurant that was severely degraded when the Sea Mountain development was completed. It is fed by Kauwila Springs. Kauwila Pond is most at risk.

Punalu'u Nui Heiau is a very large sacrificial heiau. The sacrificial nature of the site is evidenced by the many bones that were excavated during the construction of a warehouse.

Between Honu'apo and Punalu'u, about 4.5 miles, there are many freshwater springs along the shore and many of them well up under the ocean. Hawaiians living in this area were experts in diving to the bottom of the ocean and would fill an empty gourd with fresh water from the undersea springs offshore. Springs at Honu'apo, Ka'alaiki-Hilea, Nīnole, and Punalu'u supported the cultivation of wetland taro as well as mullet.

Both the *honu ea* and *honu* are frequent visitors to Punalu'u Beach. The threatened *honu* utilizes the coastline at Punalu'u to forage and nest. Breeding and nesting of these turtles occurs almost exclusively in the Northwestern Hawaiian Islands. Early Tuesday evening, September 12, 2006, a tiny newborn baby *honu ea* was discovered near the medicine pond at Punalu'u Black Sand Beach. The *honu ea* was released after being found by a local fisherman and headed out to sea. Last year several dozen hatchlings were sighted crossing the old road near the beach concession stand. According to experts, Punalu'u is a very important nesting site for the critically endangered *honu ea* and experts agree that any further development would negatively impact the critical habitat at Punalu'u and perhaps lead to the extinction of this sacred Hawaiian *honu*. *Honu ea* tend to feed on a variety of sponges and ascidians in the nearshore environment and breed offshore of Punalu'u during the months of February to May. In the immediate vicinity of the Sea Mountain development, *honu ea* nest at the Black Sand Beach, Laupapaohua Beach, and Koloa Beach. Nesting also occurs at Kāwā'a to the west, and Kamehame to the east. Together, these areas comprise the majority of the known nesting sites for *honu ea* in the Hawaiian Islands.

In Wailau, there are found 'ili'ili hānau o Kōloa. They are black, beach-worn, volcanic stones found at Kōloa Beach and legends say the pebbles are able to propagate their species. Stories are told of the male and female pebbles coming together to make baby stones. The male stones are smooth, without noticeable indentations or eyes while the female stones have little pits in which their young are developed and eventually separate from their mothers.

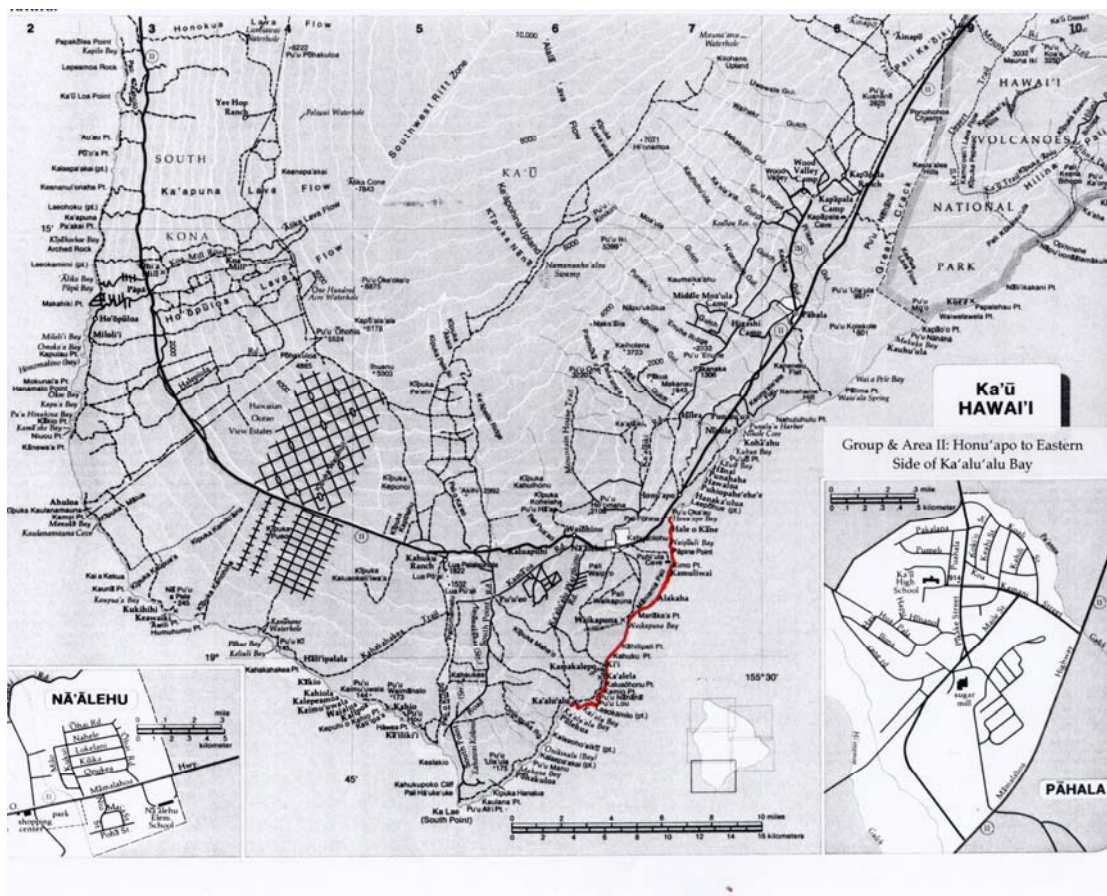
When C. Brewer built the Black Sand Restaurant at Punalu'u, they used the pebbles as flooring material and to build a wall above which a mural by Herb Kane once hung. Current maps indicate the location of Koloa Beach in Nīnole ahupua'a. However, Koloa Beach was originally located in Wailau and some members of the Task Force would like Koloa Beach put back in its original location and efforts made to restore it.

Kāwā'a was once a Hawaiian village, where an entire community wrested a living from a place where rain and soil were precious commodities. There was taro, bananas, and other crops. The estuaries were used as fishponds, and water was drawn from a sweet spring that still flows from a pool near the ponds. There, in caves located mauka from the shore, are the *ʻiwi*. Atop the cliff on the Puna side of Kāwā'a Bay is Ke'eku Heiau, an immense black Hawaiian temple of the type where human sacrifices were performed.

Kāwā'a today is a cove and freshwater estuary surrounded mostly by the weedy barrens of a long-abandoned cow pasture. The view mauka is spectacular. On a clear day, it extends uninterrupted all the way up to the summit ridge of Mauna Loa.

Apua Bay, Halape Bay, Keauhou Bay, Kamehame Bay, Punalu'u and Kāwā'a Bay are nesting grounds for the hawksbill. Archaeological features found in Punalu'u include house sites, a school site, wall structures, canoe sheds, Punalu'u nui Heiau, Lanipao Heiau, petroglyphs, a sacrificial stone and an old government road that will be part of the Ala Kahakai National Historic Trail.

2. Area II: Honu'apo to eastern side of Ka'alu'alu Bay



From the south boundary of Honu'apo (honu - turtle and 'apo - to grasp; in ancient times it was a place where turtles were caught) to the eastern border of Ka'alu'alu Bay (named for the wrinkled lava encircling it), Group II selected four priority areas. (Figure 3, area in red). Waikapuna ("water of the spring") was first, a once thriving fishing community before the 1868 devastating earthquakes and tidal waves. It was famous for its three water holes: lua wai inu (drinking - water - hole), lua wai holoi 'umeke (water - hole - for - utensil - washing) and lua wai 'au'au (bathing - water - hole)

nearest the ocean. It was also an occasional summer residence of Mary Kawena Pukui and her grandmother Po'ai - Wahine, who went there to pa'akai (salt) and dry their fish.



Second is Puhi Ula Cave located in Pa'ula (name of a beautiful woman turned to stone by Tutu Pele's incensed fury) in the ahupua'a of Kaunamano between Honu'apo and Waikapuna. Reputedly, in this cavern lived the legendary large red male eel (puhi 'ula), who lived with a small green female eel

(puhi). In addition, it was the home of an abundance of 'ōpae'ula (red shrimp) that would turn the pond red unpredictably, frightening its inhabitants.

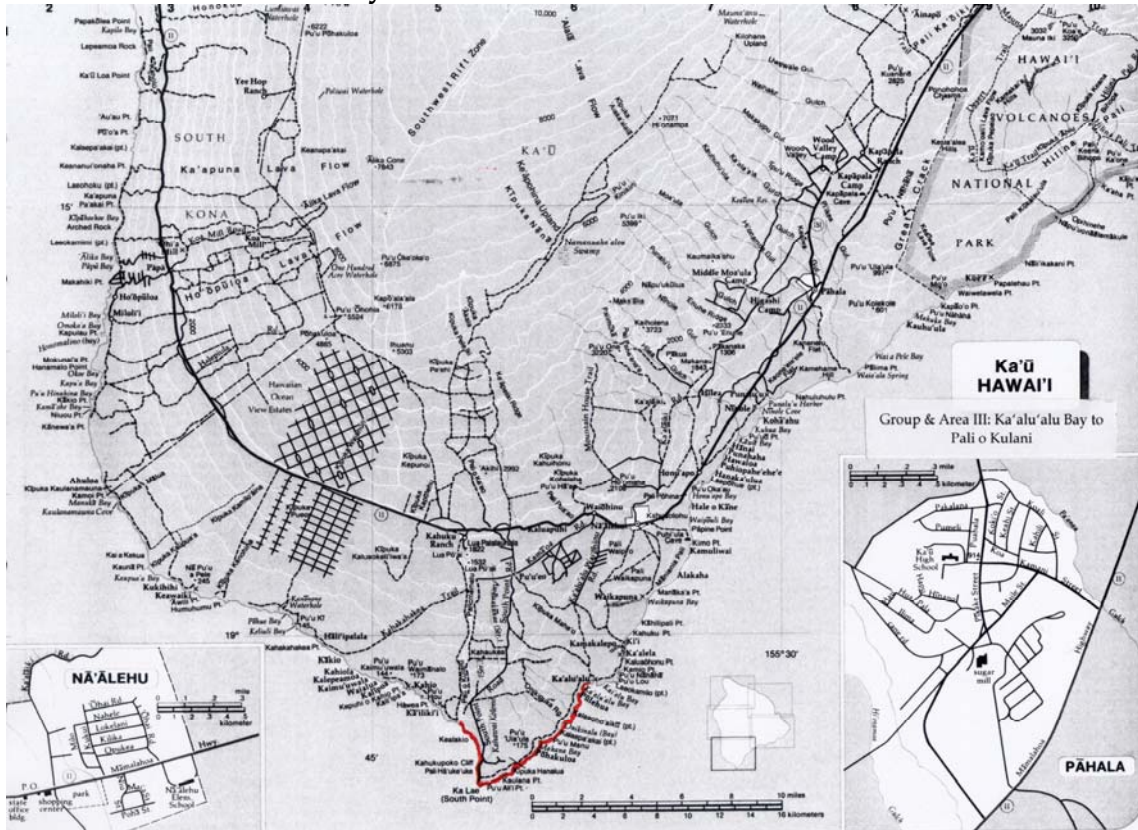
Third is Pohina Pali, southwest of Honu'apo. Kaweloheia is a blowhole most noted for the legend of Kawelo. Murdered by her enraged husband, she is thrown over the pali (cliff) and lands on a pohaku (stone) below, lovingly calling out her innocence. Startled into reality, her husband buries her 'iwi (bones) in a nearby cave. Till today, one can hear her pleas.

Maniania Pali (giddy cliff) is fourth. Inland, the tale of Niu-loa-hiki is associated with the god Ku-Hina. His mother's (Hina, wife of Ku) wish was to send her son to Tahiti. So, obediently, Niu-loa-hiki climbed atop this "supernatural" niu loa (tall coconut tree). It began to extend itself farther and farther causing its trunk to gently bow with each expansion causing him to feel "giddy or light-headed" until he reached his destination.

Other subsequent areas of concern were Ki'i below Waiohinu on the coast (where foreign animal petroglyphs are found). Ka Lua Noio is seaward of Kahilipali Iki and known as a place with good ulua fishing. In addition, Ka Lua O Wai and Ka Lua Lepo'o Kanaka were identified. Kamilo, the latter meaning "swirling currents" was notorious for expired persons and/or objects that drifted there from afar, were known as Kamilo-pae-ali'i (landing of chiefs) and Kamilo-pae-kanaka (Kamilo landing of commoners).

The recent acquisition of land in Honu'apo assures that it will be protected for the future generations of Hawai'i's people.

3. Area III: Ka'alu'alu Bay to Pali o Kulani



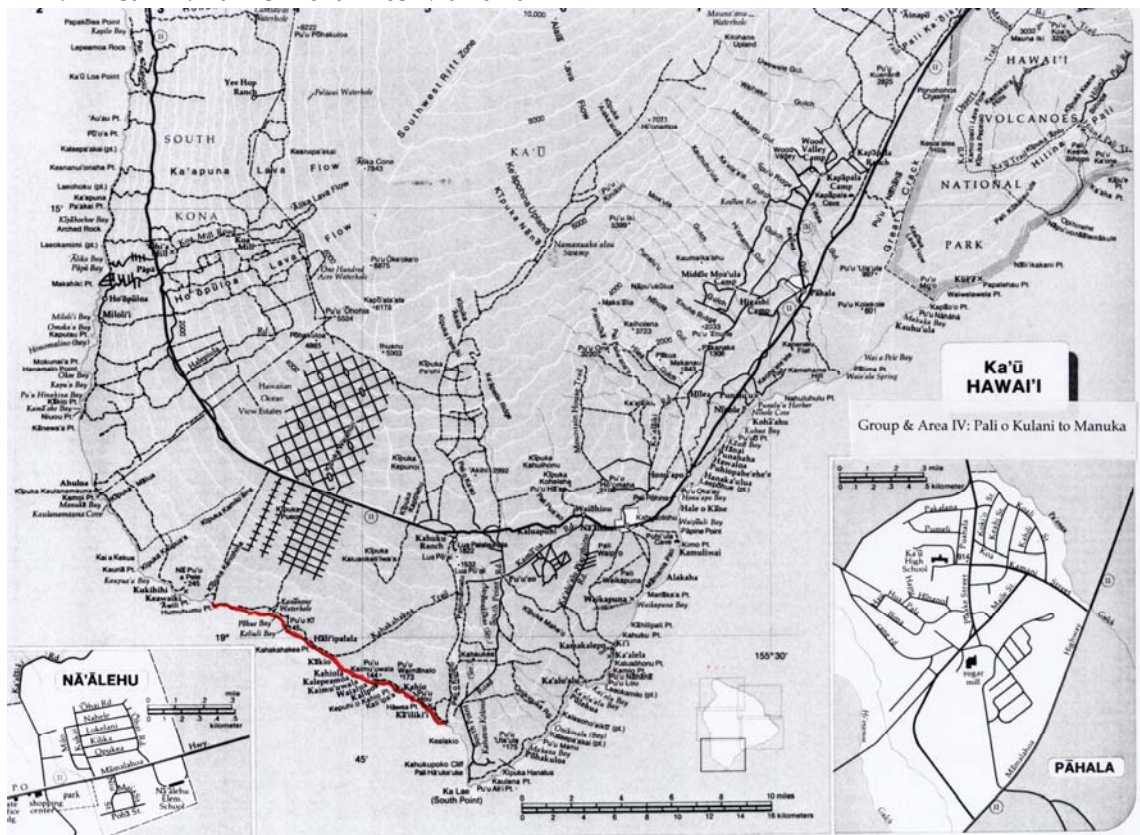
Group III, reviewed the area from Ka'alu'alu Bay to Pali o Kulani (Figure 4, area in red). It contains an exceptional wild shoreline that provides outstanding recreational opportunities for nature and scenic appreciation, a back country experience and opportunities for cultural appreciation. Scattered about the rugged countryside are a variety of natural assets, particularly geologic and physiographic landmarks. Examples include the Kahuku fault scarp, resulting from the sinking of the ground surface of the southwest rift zone of Mauna Loa; 3 pit craters, Luapuali, Luapō'ai, and Luapalalauhala, that were formed by a collapse at the crest of the Kahuku fault scarp; Pu'uhou is an unusually large littoral cone formed by the lava flow of 1868; and Pu'u Mahana and Papakōlea beach, a littoral cone that is the olivine crystal source of the green sand beach at Papakōlea. Other natural assets include the inshore waters west of South Point which are said to have the best marine life in the State, and the anchialine pools along the shore, especially Lua o Palahemo. Five remnant native plant associations add further interest to the landscape and have been significantly altered.

Culturally, the site provides an excellent opportunity to effectively interpret the development of Hawaiian prehistoric culture from the earliest of times to the present. The South Point complex provides one of the longest and most complete record of human occupation in the Hawaiian Islands, beginning as early as A.D 700. Cave shelters, burial grounds, fishing stations, heiau, salt pans, and the Pōhakuokea Stone which allegedly turns over each time a reign changes on the Islands are found there.

Group III identified the following coastal lands and nearshore marine areas that should be targeted for protection: Pinao Bay, where fish, lobsters, and limu are abundant and monk seals are seen occasionally, the white sand beach at Pu'ulia, Mahana Bay, with its green sand beach has significant

cultural and historic significance for Hawaiians and has been recommended for inclusion in the Ka Lae National Landmark Area. It is a popular recreation area and provides coastline gathering of 'opihi and limu kohu. Lua Makalei is a lava tube shelter, believed to be the site of a large settlement. It was also thought to have been used for burials, as a classroom, a fisherman's work shelter, and work area. It is a popular place for nesting *pueo* (Hawaiian owl). There is also Pu'u o Kulani and Moi'lele heiau. Pu'u Ali'i is a sand dune that was the burial site of hundreds of sets of bones. Archaeologists from Bishop Museum in 1965 excavated here and found that some of the people were buried in an upright position, suggesting they were guarding the area. Lua o Palahemo is a deep rock pool thought to be connected underground to the ocean. It is believed to be haunted by a mo'o (spirit) also called Palahemo. It was taboo to bathe there when it rained. From the bluff above Palahemo it is said that one can see all the boundaries of Ka'u.

4. Area IV: Pali o Kulani to Manuka



Group IV, covering the area from Pali o Kulani to Manuka (**Figure 5, area in red**), identified the anchialine ponds and lauhala stand at Kanonone, Kahakahakea, Hali'ipalala and the North Pond with an abundance of 'opae'ula as the most fragile resources. The petroglyph fields and south of Pōhue Bay were studied by archaeologist Aki Sinoto in 2006. There are numerous burials in various locations. Pōhue Bay's white sand beach and *honu* nesting sites need to be protected. Vern Yamanaka, a member of the Task Force, offered the following information about the area's fragile resources and the need to have them protected.

“Other significant sites include the coastline in and around WaiAhukini, Pali o Kulani and Kealakio that served as a main landing, portage, and settlement site. There is a need to protect the special resources such as the anchialine ponds, lauhala, hao and other native plants, petroglyph fields, archaeological sites, habitats for honu, seals, koas, intertidal resources and endangered mammals. In

the Kahuku area from Kaimuu'wala to Na Pu'u a Pele that includes over 5 miles of ocean frontage and 19,000+ acres 2 to 3 archaeological surveys have been completed and today, there are ongoing studies that are cataloguing archaeological sites, burials, and petroglyphs. Since the early 1980s we have managed and protected sites and marine resources in conjunction with the National Park Service, UH Hilo Marine Science Center, Kupuna, Burial Council, and the Volcano Observatory.

Recommendations for future uses tie in closely with the need for funding to support interpretive and resource management plans. Past history has shown us that without sufficient monitoring, management and enforcement, setting up a conservation corridor will lead to the devastation of marine and land resources. To effectively manage just 3.5 miles of shoreline in Kaupulehu, North Kona, from Kiholo to Kauhuwai with an interpretive center and a resource management plan will require an annual budget of approximately \$500,000. The management of just our Kahuku lands would require up to \$450,000 annually not counting infrastructure improvements. The honu ea monitoring program at Pōhue alone requires over \$150,000 for a 7 month period each year (Kahuku has at least 3 additional sites). There are many other nesting sites along the Group IV coastline that do not have the necessary funding to properly monitor and manage this single resource. If these areas that are closed were put into public access conservation corridors that resource will disappear without costly security, management and enforcement.

Marine resources in addition to the turtles immediately become at risk upon the creation of public access conservation areas due to increased taking from land based access. All of these areas already suffer from individuals who are able to access the resources from the sea. We expect that the impact of the proposed interisland Superferry will increase the taking in all coastal areas. Future uses needs to monitor and limit taking so that the resources stock can be maintained at a sustainable level. In the past, government has mandated public access in areas that are developed or acquired as parks without assessing the impact that public access will have on the resources in that area. In practically every case, the marine resources in the immediate area have been decimated and never recovered their original population. Limitations to designated sites will need to include a limit on users and a sound management/monitoring plan. The State will need to find funding to increase the manpower needed to enforce laws and rules related to the preservation of these resources.



Waterholes, anchialine ponds, and marshes provide unique biological environments that need buffers, active monitoring and management. The cost of properly protecting these areas is expensive but manageable while access is constricted. With public access the management costs would soar and the environment will face negative impacts immediately.

Archaeological sites require constant monitoring and management since they draw the interest of a broad spectrum of visitors and locals. Each visit impacts these sites unless accompanied by knowledgeable

docents. Many sites need to be kept off limits and protected from any visitors who have no genealogical connection to the site. In areas where funding is available for interpretive centers and management programs (i.e. Kaupulehu) it is possible to protect and preserve these special sites."

C. Proposed Future Uses and Limitations

The Task Force recommends that proposed future uses include backpacking, camping with a permit, cultural and environmental protocols, fishing, hiking, hunting (pigs, goats), kayaking, natural/cultural resource education, development (where preservation corridors could be enhanced by the proper type of development), organized visits, and trash removal. Proposed limitations are no all-terrain vehicle use, no cars/vehicular traffic, no commercial use without a permit, no sand collecting, and no cross netting.

D. Mechanisms to Protect and Manage Identified Areas

The Task Force identified the following tools to apply to areas having significant resources that should be protected from development. The tools are: rezoning/redistricting (reclassification); public/private partnerships; conservation easements; setbacks; federal, state, and county rules and regulations; and land trusts, donations, and exchanges. Land acquisition is of course another way a site can be protected if the purchase is for the purpose of its preservation and sustainability. Any one or combination of these tools can be used to protect an area from actions that would otherwise impact its resources to the extent that their special features, cultural, environmental, and/or recreational values are compromised. Further, enforcement of government rules and regulations, by the appropriate agency, can also be an effective tool that will prevent the degradation of these resources from human actions.

Other mechanisms that can be used to protect significant sites are government designated reserve areas; cooperative agreements between developers and the community that include a benefits package that will address the community's need and recognize a developer's financial investment; integrated resource management plans; fishery management areas; landowner incentive programs; and transfers of development rights. These tools are described below.

Integrated Resource Management Plans: (IRMP) are based on the principles of ecosystem management. Such plans provide for the management of natural resources including fish, wildlife, and plants; allow multipurpose uses of resources; and provide public access where appropriate for those uses, without any net loss. IRMPs can identify specific actions required to attain natural resource management goals and can be applied to fish and wildlife management, land management, forest management and fish and wildlife oriented recreation. They may also be used for wetlands protection, enhancement, and restoration and where necessary, for the support of fish, wildlife, and plants. As shared by Vern Yamanaka who has extensive experience with IRMPs, funds from developed areas (common area charges) were used to fund an IRMP at Kaupulehu. The plan sought to coordinate public access, marine and land resource management, interpretive center staffing and operations, and educational programs about the ahupua'a. They were able to preserve 80 percent of the shoreline up to 300-1,000 feet inland and dedicate more than 600 acres to a permanent conservation corridor.

On lands developed in North Kona and Kohala, many sites were kept secret and involve kupuna and knowledgeable land managers in the planning process that creates large archaeological preserves that would be off limit to visitors. The protected sites are located within the preserve and the cost of securing the area and providing meaningful management of the resources is quite expensive.

Fishery Management Areas: DLNR's Division of Aquatic Resources (DAR) may establish, maintain, manage, and operate freshwater and marine fishing reserves, refuges, public fishing areas for the purposes of managing, preserving, protecting, conserving, and propagating introduced freshwater fishes and other freshwater or marine life. The Federal government has jurisdiction over the higher marine vertebrates through the Endangered Species Act, like turtles, whales, and seals. The State has concurrent laws protecting these endangered animals. DAR's basic responsibility are the "lower" vertebrates and invertebrates. They establish marine life conservation districts (MLCD) involving total area closures such as Hanauma Bay and Kealahou Bay; partial closures for fish replenishment such as West Hawai'i Fish Replenishment Area, exclude commercial use such as Hilo Harbor, exclude certain gear use (no netting such as at Kiholo Bay) which are called fishery management areas. This type of designation takes a lot of time and effort and involves the conduct of surveys to determine the uniqueness or decline in fish stock, followed by a series of public meetings and a public hearing. To initiate this process, unique or special areas should be identified such as Honu'apo, which already has some protection. DAR will identify if it serves as a nursery habitat for juveniles that will eventually populate coastal areas. The nursery ground gets protected and fishing along the coast is allowed. Anchialine pools and coastal springs are often "kipukas" for rare native invertebrates and should be identified and afforded the highest level of protection.

Transfer of Development Rights: Traditional land use planning methods for growth management have proven inadequate in preventing or slowing the encroachment of urban development on rural lands. Too often, zoning changes are made based on political pressures that fail to take into account bigger socioeconomic and environmental considerations. As a result, there is a demand for new land use planning techniques that recognize the need for an economic and environmental balance, the importance of private property rights, the power of using a market-based approach, and states' particular legal and political structures. One such method is the use of transferable development rights (TDR). A TDR regime controls growth and development by focusing land use changes in areas targeted by the communities. TDR allows the market transfer of development rights from areas designated for preservation to landowners and developers in areas deemed appropriate for development. Such a system seems to provide a solid foundation for a successful equitable and efficient method of controlling growth, balancing equities and protecting environmental and natural resources.

Landowner Incentive Program: The United States Fish and Wildlife Service (FWS) provides funds to State landowner assistance programs that provide financial assistance to private landowners to enhance, protect, and restore habitats that benefit federally listed, proposed or candidate species or other at-risk species. Locally, the Division of Forestry and Wildlife (DOFAW) administers the program which has a committee comprised of DOFAW and FWS representatives. DOFAW provides technical assistance to private landowners to implement funded projects, fiscal and administrative oversight and prepares the annual fiscal and progress reports. The projects support the ongoing efforts of the Department to protect threatened and endangered species as well as to promote environmental education opportunities and community participation.

E. Funding Sources

Funding sources or solutions is the Task Force's greatest challenge. Areas and resources set aside for preservation will require substantial funding to manage. A constant, guaranteed and inflation proof source of funding will be required to maintain any responsible management plan. Grants are fine

initially to conduct studies but are unreliable as a consistent source of funding. The means to generate funds to manage and protect resources that are chosen to be protected will require some development as is the case with Kaupulehu.

The development of compatible resorts and other ecofriendly entities such as marine science education centers or campuses close to oceanfront or anchialine / marsh sites may provide funding that will manage and utilize resources positively with minimal impact to the coastline. In Kaupulehu where 3.5 miles of coastline has been put into a perpetual conservation corridor, an interpretive center and resource management plan will be supported with allocations from the common area charges assessed against property developed along approximately half a mile of coastline and areas mauka. These funds increase as project costs increase, providing an inflation hedge. Marine resources are sustained in part from the creation by the State of a fishery management area that limits taking and provides reproductive stock. Management funds also monitor water quality, fishery and inter-tidal stock and land-based resources. The interpretive center provides an educational resource to the whole island but most significantly a monitoring and management base for resources. These two models can be effective funding sources that would utilize a small portion of the coastline to effectively preserve and manage large stretches of oceanfront.

Other potential sources of funding may include: educational use fees such as those applied to visiting universities who bring students to areas chosen for their unique, environmentally significant resources to do research and perform studies; and commercial use fees for the sale of products cultivated at specially designated public land trust sites.

IV. Task Force Recommendations

A majority of the Task Force members voting recommended that:

- A special conservation zone be established and called the “Ka’ū Coastal Protection Trust” that extends from the southern boundary of Hawai’i Volcanoes National Park to the ahupua’a of Manuka from the shoreline inland for 1.5 miles and from the shoreline out into the ocean a distance that would be determined by the boundaries of specific Marine Life Conservation Districts (MLCDs), Fishery Restricted Areas (FRAs), Marine Protected Areas (MPAs), active and historical Koa, and any other new or historical marine managed area along the Ka’ū Coast.
 - Legislation be enacted to allow tax deductions to private landowners in the area who donate their land, within specified times to the “Ka’ū Coastal Protection Trust”.
 - Legislation be enacted to grant state lands in the Kaū Coastal Protection Trust area to the Trust.
 - Legislation be enacted to purchase property at Hokukano and to allow for the removal of all existing structures within the Ka’ū Coastal Protection Trust area.
 - Organized uses of the areas within the Kaū Coastal Protection Trust shall emphasize education as a living classroom open to all levels of education and expertise to include agriculture, aquaculture, and traditional and existing uses.

- The creation of an advisory board comprised of 7 members who are Ka'ū Kupuna, landowners, land managers or residents who shall advise and recommend action to DLNR and/or the Planning Department of the County of Hawai'i on any land use requests that involves development and subdivisions in areas identified to be protected.
- Establishment of a "No-Development" setback line from the coast to protect resources, subject to changes where preservation corridors may be enhanced by the development. Such development within the setback that is allowable shall include an integrated resource management plan and a perpetual preservation corridor, with infrastructure that is supported with allocations from the common area charges assessed against property developed along the coastline and areas mauka.
- Legislative authorization and funding for the formation of a South Hawai'i Fisheries Management Council (incorporating all districts of northern - southern Kohala and Kona, to the Ka'ū boundary of the Hawai'i Volcanoes National Park), allowing the establishment of a council that is similar in organization and composition as the West Hawai'i Fisheries Management Council, to protect and conserve coastal resources in partnership with the Department of Land and Natural Resources.
- Punalu'u be designated as a living classroom and commercial activities at Punalu'u Black Sand Beach prohibited.
- The State, in conjunction with the County of Hawai'i, the federal government, and interested private parties, develop financial plans for the purchase of private lands in the project area.
- Puhau, Kauwila, and Kauwale fishponds be restored.
- State and county public hearings and meetings involving land use requests be held in the communities nearest the proposed project area and notification of such hearings and meetings be provided to community organizations and interested individuals.
- Legislative and county council approval and funds for additional State and County enforcement personnel for the South Kona – Ka'ū Districts.
- Prohibit the use of direct artificial light along the 80 miles of South Kona – Ka'ū coastline.
- Conservation District subzones be re-evaluated and administrative rules amended where appropriate.

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Jesse Yorck

- Native Rights Advocate, Office of Hawaiian Affairs, State of Hawai'i

Frank Hays, Pacific Area Director, Helen Felsing, and Melia Lane-Kamahele of the Pacific Islands Support Office, National Park Service, provided invaluable technical assistance to the Task Force.

HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES'
DIVISION OF STATE PARKS TO ESTABLISH A SOUTH KONA-KA'U
COASTAL CONSERVATION TASK FORCE.

1 WHEREAS, the Legislature is concerned about the intrusion
2 of urban activities and development into, until now, the
3 pristine coastal wilderness areas in south Kona and Ka'u on the
4 island of Hawaii; and

5
6 WHEREAS, this increasing intrusion into what was once
7 pristine land and ocean areas is having a destructive impact on
8 natural resources, native plants, and land and aquatic animals
9 and their habitats such as nesting areas for endangered green
10 and hawksbill sea turtles; and

11
12 WHEREAS, valuable native Hawaiian resources, including
13 heiau, slides, and other archaeological evidence of ancient
14 Hawaiian habitation of the area, including the area believed to
15 be the original landfall for native Hawaiians coming from the
16 South Pacific, are endangered; and


17
18 WHEREAS, the 2003 Legislature created the South Kona
19 Wilderness Area to address these issues; and

20
21 WHEREAS, a large portion of the Ka'u district is in zone 1
22 or 2 of the lava flow hazard zone maps prepared by the United
23 States Geological Survey, displaying the most dangerous zones
24 facing lava flow hazards; and

25
26 WHEREAS, the Legislature finds that it is imperative that
27 these remaining treasures be protected and preserved; and

28
29 WHEREAS, the Legislature also notes that two studies were
30 performed in 1987 and 2001, and the studies contain relevant

I do hereby certify that the within document
is a full, true and correct copy of the original
on file in this office.


Chief Clerk
House of Representatives
State of Hawaii



1 information that is a should be used as a basis for any future
2 review for the South Kona and Ka'u area; now therefore,

3
4 BE IT RESOLVED by the House of Representatives of the
5 Twenty-third Legislature of the State of Hawaii, Regular Session
6 of 2005, the Senate concurring, that the Department of Land and
7 Natural Resources' Division of State Parks is requested to
8 establish a South Kona-Ka'u Coastal Conservation Task Force
9 (task force) to review and analyze the impact being made on the
10 fragile and historically essential coastal lands and near shore
11 marine areas of South Kona and Ka'u; and

12
13 BE IT FURTHER RESOLVED that in identifying issues and
14 solutions, the task force:

- 15
16 (1) Identify those coastal lands and near shore marine
17 areas that should be targeted for protection because
18 of their ecological, cultural, recreational, or
19 agricultural importance;
20
21 (2) Identify mechanisms and funding sources to protect and
22 manage the identified areas;
23
24 (3) Propose future uses and limitations in the identified
25 areas that permit minimal man-made structures, manage
26 activities that may degrade or deplete resources, and
27 avoid the hazards from potential volcanic activities
28 and lava flows;
29
30 (4) Propose measures for the protection of marine animals,
31 including but not limited to monk seals, green sea
32 turtles, and hawksbill sea turtles, and their nesting
33 and habitation areas; and
34
35 (5) Seek funding from the private sector, through grants
36 and contributions, to support the activities of the
37 Partnership; and
38

39 BE IT FURTHER RESOLVED that the task force shall elect a
40 chair from among its members by a majority vote; and
41

42 BE IT FURTHER RESOLVED that the Department of Land and
43 Natural Resources' Division of State Parks establish the task
44 force's membership from representatives from, but not limited



1 to, the following agencies, organizations, and community
2 members:

- 3
- 4 (1) Landowners in south Kona and Ka'u with ten or more
5 acres;
- 6
- 7 (2) Small landowners in south Kona and Ka'u with acreage
8 under ten acres;
- 9
- 10 (3) Farmers in south Kona and Ka'u;
- 11
- 12 (4) Community members with no affiliation to landowners
13 with ten or more acres;
- 14
- 15 (5) Department of Land and Natural Resources;
- 16
- 17 (6) National Park Service;
- 18
- 19 (7) University of Hawaii Environmental Center;
- 20
- 21 (8) Department of Agriculture;
- 22
- 23 (9) U.S. Fish and Wildlife Service;
- 24
- 25 (10) County of Hawaii;
- 26
- 27 (11) Private sector conservation organizations; and
- 28
- 29 (12) Individuals or entities experienced in cultural
30 resource protection; and
- 31

32 BE IT FURTHER RESOLVED that the state departments and
33 agencies shall assist the task force; and

34
35 BE IT FURTHER RESOLVED that federal and county government
36 agencies are requested to assist the task force; and

37
38 BE IT FURTHER RESOLVED that the task force is requested to
39 consider engaging the services of a disinterested third-party,
40 facilitator to assist the task force with its activities; and

41
42 BE IT FURTHER RESOLVED that the task force is requested to
43 submit a report, including proposed legislation, to the
44 Legislature not less than 20 days prior to the 2006 legislative



1 session on task force activities and progress, including areas
2 identified for protection and strategies to achieve protection;
3 and

4
5 BE IT FURTHER RESOLVED that the task force shall cease to
6 exist on the last day of the Regular Session of 2007; and

7
8 BE IT FURTHER RESOLVED that certified copies of this
9 Concurrent Resolution be transmitted to the Governor, the Mayor
10 of Hawaii County, and the Chairperson of the Board of Land and
11 Natural Resources who, in turn, is requested to distribute this
12 Concurrent Resolution to interested parties to secure their
13 participation in the task force.



South Kona – Ka'ū Coastal Conservation Task Force
Winifred "Pele" Hanoa, Chairperson
P.O. Box 472
Nā'ālehu, Hawai'i 96772

May 1, 2006

Honorable Governor Linda Lingle
Executive Chambers
State Capitol
Honolulu, Hawai'i 96813

Aloha, Governor Lingle:

We are the community-based task force, established by the State Legislature, House Concurrent Resolution (H.C.R.) No.5, H.D.1, S.D.1 adopted in mid-2005. The South Kona-Ka'ū Coastal Conservation Task Force is charged with identifying significant coastal land sites and near shore marine areas needing protection in the area from Miloli'i in South Kona to the southern boundary of the Hawai'i Volcanoes National Park in Ka'ū. In addition to reviewing, analyzing and evaluating the impacts to these resources, we are also tasked with recommending future uses and restrictions; identifying mechanisms and sources of funding, and legislation that may be used for their preservation and protection.

This correspondence is to give you a brief overview of the Task Force and our purpose. The Task Force is made up of an interesting and diverse group of citizens of Ka'ū and South Kona. It includes the largest landowners – managers of land in the area; lifetime residents; development interests; professionals; experienced; young – mature; native Hawaiians; farmers; ranchers; an attorney; other local ethnic groups; conservationists; and members of Ka'ū Preservation . . . We are committed to protecting the last major undeveloped coastal area of the State. By a majority of members, it was suggested that I contact you and others for assistance in causing a certain "quiet period."

We are requesting non - approval of subdivision (s) or major development (s) during our "research" of approximately 60 miles of coastal lands, and a depth of one and one half miles inland. The "quiet period" should be in effect until the Task Force report is submitted to the 2007 Legislature in November 2006. Furthermore, it serves no legislative purpose or State interest in having the County of Hawai'i approve requests for subdivisions or land development or for the Board of Land and Natural Resources (Land Board) to approve

permits for projects in the Conservation District that are proposed in the area which the Task Force is studying. We need your administration's immediate assistance in reaching this goal.

As you may know, the Honorable Ed Case, Congressman from the 2nd District, is a significant supporter of the Task Force's efforts to study and protect this area. I am including Congressman Case's letter to Peter Young of the Land Board for your review.

We thank you for supporting our efforts and look forward to your help and participation.

Me Ke Aloha Pumehana,


Winifred "Pele" Hanoa

Enclosure

cc: Honorable Mayor Harry Kim
Honorable Senator Daniel K. Inouye
Honorable Senator Daniel K. Akaka
Honorable Representative Neil Abercrombie
Honorable Representative Ed Case
Members of the Senate Committees on Judiciary and Hawaiian Affairs and Water,
Land and Agriculture
Members of the House Committees on Agriculture, Hawaiian Affairs, and Water,
Land and Ocean Resources
Land Use Commission
Members of the Hawai'i County Council
Peter T. Young, Chairperson, Land Board
Chris Yuen, Director, Planning Dept.
Bruce McClure, Director, Dept. of Public Works

South Kona – Ka'ū Coastal Conservation Task Force Mission Statement

We seek to preserve open space and the unique lifestyle and history of Ka'ū for current and future generations utilizing the values of: Pono (fairness), Ho'owaiwai (enrichment) and Malama 'Āina (care for the land).

Collectively, we will provide specific recommendations that will help preserve and protect the cultural, biological and spiritual values that makes Ka'ū, Ka'ū.

RECEIVED
STATE PARKS DIVEXECUTIVE CHAMBERS
HONOLULU

RECEIVED

'06 JUN 29 A11:21

LINDA LINGLE
GOVERNOR

'06 JUL -3 P4:07

DEPT OF LAND &
NATURAL RESOURCES

June 28, 2006

DEPT OF LAND &
NATURAL RESOURCES
STATE CHIEF OF

Ms. Winifred Pele Hanoa, Chairperson
South Kona-Kau Coastal Conservation Task Force
P.O. Box 472
Naalehu, Hawaii 96772

Dear Ms. Hanoa:

Thank you for your letter of May 1, 2006, requesting a *quiet period* for any proposals to develop land 1.5 miles inland and along the coastal shoreline until the South Kona-Kau Coastal Conservation Task Force completes its study for submittal to the 2007 Legislature in November 2006.

I appreciate the concerns raised by your Task Force and the efforts of your group to address the pressures of growth faced by your community. Many people across the State, me included, are wrestling with the same questions. We are a beautiful island state blessed with a unique environment and, more recently, a healthy economy.

With those benefits come challenges. How do we preserve our environment and sense of place while balancing the desires of people to visit or move to Hawaii? How do we allocate our limited space and resources to serve our needs without destroying our unique beauty or depleting these resources? Where will our next landfill be sited? Is there enough water for permitted and planned developments?

I believe we should be asking these and other questions about how Hawaii should manage growth in the future. We recognize that the reasons behind community choices twenty years ago may no longer be valid, and the same holds true for twenty years from now.

I also believe it is fair to request some deference to planning efforts that will, within a reasonable and specific timeframe, identify the means by which a community will accommodate natural growth while preserving cultural and environmental resources.

As you may know, the State retains exclusive jurisdiction to determine the permissible uses on lands classified in the State Conservation District. By copy of this letter, I am suggesting the Chairman of the State Department of Land and Natural Resources (DLNR) closely scrutinize

Ms. Winifred Pele Hanoa
June 28, 2006
Page 2

applications to develop land within the Conservation District along the South Kona-Kau shoreline and 1.5 miles inland, during the 2006 term your Task Force is operating. The DLNR will inform your Task Force of any such applications during 2006.

The counties maintain the primary jurisdiction over project applications on land classified in the State Agricultural District and, therefore, the State has little ability to grant a *quiet period* for uses permitted on the agricultural lands in those areas. However, I will provide a copy of this letter to Mayor Kim and Council Chairperson Higa of Hawaii County.

Please share my thanks to your fellow Task Force members for taking the time to participate in this important process. I look forward to receiving a copy of your legislative report at the end of the year.

Sincerely,



LINDA LINGLE

c: Peter T. Young, DLNR
Mayor Harry Kim
Councilman Stacy K. Higa

06:0508220

PUNALU'U SURVEY

MARCH 26 THROUGH APRIL 24, 2006



OBJECTIVES

- OVER A 30 DAY DEFINED PERIOD
- DETERMINE THE NUMBER OF TOTAL VISITORS AND HOW THEY ARRIVE AT PUNALU'U
- DETERMINE THEIR IMPACT ON THE TURTLES, THE PLANT LIFE, THE ENVIRONMENT, THE BEACH AND OTHER SPECIES THAT INHABIT THE AREA

SUPPORT

VOLUNTEERS CAME TOGETHER FROM THE UNIVERSITY OF HAWAII AT HILO, FROM HILO COMMUNITY COLLEGE, FROM KA’U PRESERVATION MEMBERSHIP, AND FROM THE LOCAL COMMUNITY AND OTHER INTERESTED INDIVIDUALS TO TRY AND DETERMINE THE CURRENT STATUS AT PUNALU’U BLACK SAND BEACH.

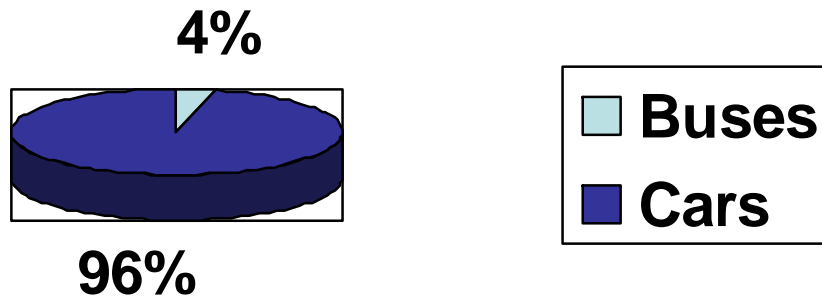


**INFORMATION
GATHERED**

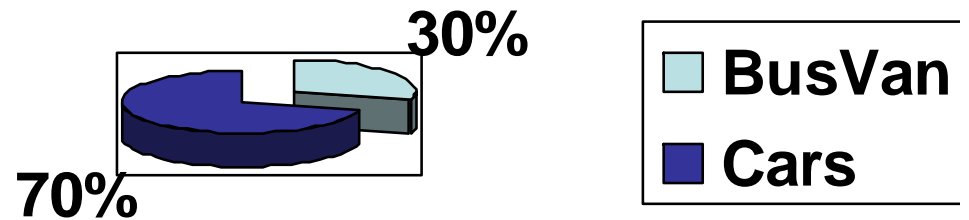
VEHICLE/VISITOR SUMMARY

DAY/DATE	NUMBER FULL SIZE BUSES	NUMBER BUS OCC.		NUMBER TOTAL VANS	NUMBER VAN OCC.		NUMBER CARS & TRUCKS	NUMBER CAR/TRK OCC	
WEEK ENDING									
1-Apr	56	2014		59	683		2550	5868	
WEEK ENDING									
8-Apr	32	1206		56	717		2392	5314	
WEEK ENDING									
15-Apr	59	2167		53	526		2603	6060	
WEEK ENDING									
22-Apr	51	1995		40	504		2158	5062	
WEEK ENDING									
24-Apr	10	324		7	43		894	1955	
TOTALS	208	7706		215	2473		10597	24259	
DAILY AVG	7	257	7	82	353	809			

Vehicles



Occupants



- A total of **11020** Vehicles or **367** per Day visited the site
- There was an average of **1148** visitors per day, a total of **34438** during the study
- **4%** of the Vehicles were Buses or Vans that brought **30%** of the visitors
- **70% of the visitors arrived by Car**

BEACH SUMMARY

DAY/DATE	# OF PEOPLE TAKING SAND	# OF PEOPLE BUYING SAND	# OF TURTLES OBSERVED	# WITHIN 15 FEET OF TURTLES	# TOUCHING TURTLES
WEEK ENDING					
1-Apr	41	37	175	765	26
WEEK ENDING					
8-Apr	44	82	111	1079	49
WEEK ENDING					
15-Apr	64	100	197	421	16
WEEK ENDING					
22-Apr	71	45	51	1091	48
WEEK ENDING					
24-Apr	5	5	142	369	17
TOTALS	225	269	676	3725	156
DAILY AVG	8	9	23	124	5

The Turtles

- An average of 23 Turtles were observed daily
- 3725 Visitors came within 15 Feet of the Resting Turtles
- 156 or 4% of those Visitors actually touched the Turtles



Visitors Get Close to the Turtles and Many Touch Them



They Surround Them and Keep Them from Coming Ashore not Allowing Them to Rest and Digest!



In Spite of the Prohibition Sand is Taken or Sold



OBSERVATIONS

- OVER **34,000** PEOPLE VISITED THE AREA DURING THE SURVEY OR AN AVERAGE OF **1148** PER DAY.
- **70%** ARRIVED IN CARS, **30%** IN BUSES OR COMMERCIAL VEHICLES
- AN AVERAGE OF **23** TURTLES WERE OBSERVED DAILY
- **3725** OF THE VISITORS CAME WITHIN 15 FEET OF THE TURTLES; MANY ACTUALLY TOUCHING THEM
- MORE BUSES ARRIVED ON FRIDAY THAN OTHER DAY OF THE WEEK; THERE WERE NO OTHER SIGNIFICANT DIFFERENCES IN THE DAYS OF THE WEEK NOTED IN ANY OTHER CATEGORIES

BEACH AREA OBSERVATIONS

- Some people stand within 15 feet of the turtles and stand along the shoreline and on the rocks not allowing the turtles to come onto sand to rest and digest.
- Turtles resting on sand are driven back into the water prematurely by people coming too close
- A small portion of the people tend to throw rocks and sand at the turtles.
- Many people from buses that have a limited amount of time on beach, usually 25 minutes, run to turtles and take pictures of companions within 1 foot of turtles and also physically touch the turtle.
- Observed Bus Drivers/ Group Guides encouraging people to take sand or rocks from Beach area on numerous occasions
- Observed Teacher and students from Volcano school taking sand and rocks from Beach area

BEACH AREA OBSERVATIONS

- Bus Driver from Robert's Hawaii observed taking a whole plastic bag of sand for his customers.
- Several parents observed allowing and encouraging their children to touch and harass turtles.
- Man observed spraying pesticide and poison near walls at boat ramp.
- Numerous vehicle tracks observed on Beach in areas where it is posted as No Driving
- Human waste in Beach area observed only yards away from public restrooms
- Robert's Hawaii and Jack's Tour buses leave engine running with exhaust being deposited on Black Sand Beach
- Jack's Tours passengers trespassed on posted Private property to take coconuts.
- People and Drivers observed picking and taking native flowers from Beach area
- Amount of sand taken from beach ranges from cigarette pack size to app. 24 liters.
- Many species of fresh water birds, ocean birds and the migration of the humpback whales were also observed during this study.

IN SUMMARY

- THERE CURRENTLY IS SIGNIFICANT IMPACT ON THE BEACH AND THE TURTLE NESTING AREA.
- ADDITIONAL OUTSIDE IMPACT CAN ONLY LEAD TO THE CONTINUED DESTRUCTION OF THIS ECOLOGICALLY DELICATE ENVIRONMENT

A Special Thanks to all our Volunteers

MELISSA	AGLIAN	PELE	HANOA	MELISSA	PARR
JOHN	AKAU	KAREN	JOHNSON	SHELLY	PELLFREY
DONNA	AMBROSE	THOMAS	JORDAN	DENISE	PERALTA
SANNA	ANCHETA	NOHEALANI	KA'AWA	NICOLE	PUCH
SARAH	ARONOW-WERNER	ANA	KAILIAWA	NOELANI	RAWLINS
JAMES	ATER	DAVID	KAWAUCHI	CONNIE	RICHEY
JENNY	BACH	JAMIE	KAWAUCHI	STERLING	ROBBINS
TRISANN	BAMBICO	KEALOHA	KINNEY	KEN	ROBERTSON
RUTH MARIE	BASS	OLA	KOCHIS	RALPH	ROLAND
JAMIE	BEAN	CAITLIN	KRYSS	TALAN	ROSAM
ERICA	BLANDO	JEFF	KUTZ	TAZ	ROSAM
WHITNEY	CARNAHAN	EARL	LOUIS	ERIN	SARE
CRYSTAL	CHAVEZ	GREG	LUA	BRENDA	SAVAGE
CONNIE	CLUNE	GREGG	MAKANI	BILL	SAVAGE
AMY	COMBS	KAI	MCGUIRE	KATHY	SEIBER
ROCHEL	DAVIS	MELISSA	MEINER	MEAGAN	SELVIG
SHANELL	DEDMAN	DANNY	MILLER	TIARE	SHIBUYA
IRIS	DISHOFF	DEAN	NAGASAKO	BRANDY	SHIBUYA
DOUG	DUDLEY	SHANNON	NORTHROP	SIERRA	SUGRNE
RICHARD	ESPARZA	NATASHA	OCEANS	LAUREN	TANAKA
JOANNE	FIERSTEIN	JO	O'DONNELL	PATRICE	TULLAI
KAITLYN	GAAB	MICHELLE	OLDENBURG	ROBIN	WHITCOMB
BOB	GRAHAM				